

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
FEBRUARY 10, 2003**

Present: Commissioners: Bill Sanders, Ken Tabor, Estelle DeVooght, Steve Kinnunen and Tom Shaw

Absent: Scott Emerson and Mike LaPointe

Staff: Doug Riley, Director of Planning and Research, Denny Magadanz, DPW Supervisor, Lee Snooks, Director of Recreation and Grants and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER

Chair Sanders called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS: None

III. APPROVAL OF THE MEETING MINUTES

Ken Tabor moved, Tom Shaw second, that the December 9, 2002 Minutes be approved as presented.

Aye 5, Nay 0. Motion approved.

Steve Kinnunen moved, Estelle DeVooght second, that the January 13, 2003 Joint Meeting Minutes be approved as presented. (See Board Minutes)

Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Steve Kinnunen second, that the agenda be approved as presented.
Aye 5, Nay 0. Motion approved.

V. PUBLIC COMMENT – None

VI. NEW BUSINESS

A. Consider – Lot Split Request #14 Diloreto – Main Street

Doug Riley explained the request for this lot split on property located on the north side of Main Street west of the Chocoley Shores Apartments. He noted that ten years ago it was not approved for a lot split because it created a landlocked parcel, which is in violation of the lot split ordinance and zoning ordinance. This problem has been resolved. Proper notification was given to adjacent property owners. Only one comment was received from Dave and Alma Thomas with no objection. Randy Yelle, Zoning Administrator, gave a written memo stating he sees no reason not to allow the split.

Bill Sanders asked the commissioners for comments. Sanders felt it was straightforward. It would now go to the Board on Monday, February 17th. There was no further discussion.

Bill Sanders moved, Ken Tabor second, that the Chocoley Township Planning Commission recommend to the Chocoley Township Board that Lot Split #14 be approved.

Aye 5, Nay 0. Motion approved.

B. Discuss – Commercial Vehicle Parking in Residential Areas/Home Occupations – Follow up from the Joint Board/Planning Commission meeting

Doug Riley explained the draft language prior to scheduling the public hearing on a formal Zoning Ordinance text amendment with his memo and Section 107 Ordinance.

Steve Kinnunen noted that is was straightforward.

Doug Riley suggested that the Planning Commission round 26.3 feet to 27 feet, and the three places in the language would be replaced with 27 feet.

Bill Sanders questioned the fees for Home Occupation. Doug Riley said there will be a review of the fee schedule.

Bill Sanders noted in “d” under HOME OCCUPATIONS the specific examples of customary personal vehicles. He said it spells out clearly what low impact home occupations are allowed, and others will be reviewed individually. He questioned the amount of fees again and notifying neighboring property owners. He thought a small fee or no fee would be appropriate.

Steve Kinnunen stated that the fee covers the cost of the required publication notice.

Doug Riley said this language may not be perfect, but they want to keep it as simple as possible but yet understandable.

Tom Shaw noted it is much more flexible now.

Bill Sanders asked if everyone thinks this language looks okay, and if they want Doug Riley to proceed with the public notice for the next meeting for Public Hearing then a motion is needed.

Steve Kinnunen moved, Bill Sanders second, that the commissioners accept the proposal that Doug Riley has presented with the addition that he comes back with a recommendation on the fees and that there is a public notice for a Public Hearing at the next Planning Commission meeting including the amendment of vehicle length from 26.3 to 27 feet in three areas in the language.
Aye 5, Nay 0. Motion approved.

C. Discuss – Election Signs

Doug Riley said five suggestions were discussed at the joint meeting in January; having property owner’s permission to place a sign, limiting placed signs to 30 days, removal of signs within 3 to 5 days following the election, one identical sign per lot or property, and a sign deposit fee of \$100.00 prior to placing signs out.

Doug Riley noted that clean up of signs after elections has been a problem in the Township, along with multiple signs on one lot or property.

Don Britton said many signs are left in the Township from the August Primary to the November General Election.

Bill Sanders moved, Ken Tabor second, that we submit the election sign language that Doug Riley presented for Public Hearing at the next Planning Commission meeting.
Aye 5, Nay 0. Motion approved.

D. Discuss – Munising to Marquette Rail to Trail Advisory Committee – Chocloy Township Representative Recommendation

Doug Riley explained that Scott Emerson could not make this meeting and requested the Planning Commissioners review Scott Emerson’s recommendations regarding the uses of the railroad grade. There are a few typos in the draft that need to be corrected.

Steve Kinnunen moved, Bill Sanders second, that the Planning Commission support Scott Emerson’s recommendation from Chocloy Township after the typing corrections are made and this be sent to the Munising to Marquette Rail to Trail Advisory Committee prior to their February 26th meeting.
Aye 5, Nay 0. Motion approved.

E. Consider – Silver Creek Recreation Area – Recreation Plan Amendment and Grant Application

Lee Snooks explained that the current Recreation Plan does not expire until December 31, 2003. We need to update this plan now in order to apply for a DNR grant to be submitted before March 21st. This is a matching grant and the Township would be responsible for 25% to 35% of the total cost. The grant can be turned down if the Township decides against it. The change is a combination of the three following actions:

- 1) The Recreation Sub-Committee recommended changes at its January 8, 2002 meeting.
- 2) A survey research study of Chocolay Township Recreation Facilities conducted by NMU.
- 3) Chocolay Township staff recommendations.

Steve Kinnunen noted that once grant money is awarded it is available for two years.

The recommended amendment to the 1998 Recreation Plan:

Silver Creek Recreation Area

Short Term

- 1) Continue maintenance programs
- 2) Expand parking facility for the soccer field users
- 3) Expand the current irrigation system to the ball field
- 4) Relocate Tot-Lot from its present location to an area adjacent to the soccer field
- 5) Construct covered dug outs for ball field players
- 6) Construct toilet facilities near soccer field

Long Term

- 1) Review existing trail system for improvements and expansion
- 2) Develop a site for the trail system
- 3) Construct the trail system according to the site plan

Steve Kinnunen moved, Ken Tabor second, that the Planning Commission reviewed the proposed recreation plan amendment to the 1998 Chocolay Township Recreation Plan for the development of the Silver Creek Recreation Area and the Planning Commission supports the amendment changes and grant application.

Aye 5, Nay 0. Motion approved.

VII. PLANNING DIRECTOR'S REPORT

Planning Director provided updates on the following:

- 1) Railroad Grade – DNR has filed its appeal.
- 2) MTA – Temporary amended order to allow limited snowmobile use as part of the UP 200 Dog Sled Races.
- 3) Private Roads/Cluster Development – continue to work on.
- 4) Roger Wotring may make application shortly on a PUD.
- 5) 41 Corridor Plan. MDOT has received it, we have received no comments yet.

VIII. PUBLIC COMMENT - None

IX. COMMISSIONER COMMENT - None

X. ADJOURNMENT

Chair Bill Sanders adjourned the meeting at 8:08 P.M.

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
MARCH 10, 2003**

Present: Commissioners: Bill Sanders, Ken Tabor, Estelle DeVooght, Steve Kinnunen, Mike LaPointe and Scott Emerson (7:45)

Absent: Tom Shaw

Staff: Doug Riley, Director of Planning and Research, Denny Magadanz, DPW Supervisor, Randy Yelle, Zoning Administrator and Cathy Phelps, Recording Secretary.

I. MEETING CALLED TO ORDER

Chair Sanders called the meeting to order at 7:30 p.m.

II. PUBLIC HEARINGS: None. Bill Sanders noted that this meeting would function as a work session on the Commercial Vehicle Parking in Residential Areas/Home Occupations issue and on Election Signs.

III. APPROVAL OF THE MEETING MINUTES

Estelle DeVooght moved, Ken Tabor second, that the February 10, 2003 Minutes be approved as presented.

Aye 5, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Steve Kinnunen moved, Ken Tabor second, that the agenda be approved as presented. Aye 5, Nay 0. Motion approved.

V. PUBLIC COMMENT

Walt Racine- US 41 South – What is the deal with the election signs?
Bill Sanders noted he will explain the notice and the proposed changes.

Dick Arnold – West Branch Road – What is the status of his junk car petition?
Doug Riley said it was presented to the Board. The Board has decided to include that question on their community survey which will be discussed at their next meeting. They wanted to obtain some direct citizen opinion on that issue.

Elaine Hogan – US 41 South – Wants to speak on the election sign ordinance.

VI. OLD BUSINESS

Bill Sanders explained that the commercial vehicle parking/home occupation issue has been in front of the Planning Commission several times. It was on the agenda for the Joint Meeting. The language needs work, and this will be a work session to help make decisions on the confusing aspects of the ordinance. Also there is a concern with the language in the election sign ordinance. There is no good mechanism set up to have the election signs cleaned up at this time. A deposit system has been proposed. The deposit would only be made by a candidate or political party group, not individual residents. After the election is run, the group or candidate would pick up all their signs and their deposit would be returned to them.

A. Public Meeting – Commercial Vehicle Parking in Residential Areas/Home Occupations – (Follow up from Joint Meeting)

Doug Riley detailed the proposed ordinance changes. He noted no one has ever been cited regarding parking a commercially signed customary size vehicle at their home. Larger vehicles have caused many debates. The current proposal is to be able to park one 27' or smaller vehicle without approval (e.g. standard size UPS van). If you have more than one or if it is larger than 27' it would require review/approval by the Planning Commission. The Home Occupation language proposed would allow most home occupations that have no exterior evidence without any review. It would also provide a method of review for more intense

home occupations to be approved by the Planning Commission. If any Home Occupation does not comply with the four standards, it would require review and approval by the Planning Commission (taking into account the zoning district, size of the property, adjacent land uses, screening and other factors). The adjacent homeowners would be notified so they would have an opportunity to comment. This will create more flexibility than what the Ordinance currently allows.

Bill Sanders asked for comments from the public.

John Trudeau – Cedar Lane – He is concerned with permitting commercial vehicles up to 27' in a residential area. They must be hidden or screened in some way, it would be improper to leave the large vehicle in the open.

Dick Arnold agrees, but it should depend on the area. In residential areas they should be hidden.

Lee Blondeau said going by the GVW (Gross Vehicle Weight) makes sense to him. It is the carrying weight plus the vehicle weight and it is marked on each vehicle. A CDL license is needed to drive a vehicle over 26,000 GVW.

Ken Tabor suggested using both weight and length to make the determination.

Dick Arnold agrees. His truck would fit into that category by length, but not by the GVW.

Don Britton said the vehicle type can vary considerably if you just use one method to make a determination.

Bob LaJeunesse said the GVW is noted on each vehicle, and can be identified on the license plate.

Bill Sanders said if someone parked a large truck on a small lot in a residential neighborhood, the neighbors would be sure to complain. The size matters more than the weight.

Steve Kinnunen noted that the size and weight are not the real issue, it is whether the vehicle is compatible in the neighborhood.

Lee Blondeau said they are discriminating by not regulating motor homes – a use difference not a size difference. He said he just wants to see a fair shake. He provided a handout to the Planning Commissioners.

Bill Sanders said they would not get into the past issues that Lee Blondeau suggested. Bill Sanders stated that customary sized vehicles with commercial signage were not in violation of the zoning ordinance. When a vehicle parked in residential areas reaches a certain size or weight, that is the issue at hand.

Bob Attwell feels that the standard UPS van is too big to be parked in a residential area and that weight and length should both be considered.

John Trudeau referred to his memo. The Kodiak truck he used for an example is 16,000 lbs. and would be too large for a residential area, the zoning ordinance should not be that liberal. This larger vehicle would be offensive.

Bill Sanders thought there should be a different scale for the R-1 district.

Bob LaJeunesse agreed that there should be a different scale, it should depend on where you live.

Don Britton stated that a 27' vehicle is large, and it could incorporate a number of types of trucks.

Bill Sanders suggested in R-1 districts it should be reduced to a 25' vehicle and/or 16,000 GVW. In other districts, it should be limited to a 27' vehicle and no GVW limit.

Lee Blondeau gave an example of a Charter truck which is over 16,000 GVW, it is more like 22,000 to 22,500 GVW.

John Trudeau said he thinks if it is over 16,000 GVW it should be hidden.

Dick Arnold felt it should be determined by size not GVW.

Lee Blondeau wants Chocolay Township to be user friendly for people with businesses. If a vehicle is out of sight, what other limitations do we need? He said it was all about aesthetics.

Ken Tabor noted that the neighborhood input is needed, they have the right to make comments.

Bill Sanders gave an overall summary of the consensus of the Planning Commission:

It is to limit the size of commercial vehicles to one 25' or smaller truck or van not exceeding 16,000 GVW with no review process in the R-1, R-2 and R-3 Districts. If vehicles are larger than 25' and/or larger than 16,000 GVW it needs to be reviewed by the Planning Commission. In the other residential zoning districts leave at the 27' length.

Bill Sanders noted that there will be a public hearing as part of the formal Ordinance amendment process.

Estelle DeVooght said she believes the height of a vehicle should be taken into consideration also.

Steve Kinnunen said that it was straightforward. People will know what is permitted.

Bill Sanders asked for Home Occupation comments at this time. He said this would no longer be approved by the Board of Appeals. It will allow the Planning Commission more discretion.

Walt Racine asked a hypothetical question to clear it in his mind, if someone was building a hunting blind in their basement would they need to get a Home Occupation Permit?

Bill Sanders said that would not apply, unless they were making a number of them and selling them as a business.

Scott Emerson also added if they have a sales/retail display they would need a Home Occupation Permit.

Bill Sanders said if there is no exterior evidence that there is a business in the home, it does not apply.

Doug Riley noted if someone complains, Randy Yelle, the Zoning Administrator would investigate.

Lee Blondeau asked about enforcement, how we would go about checking into homes? Do you look into their records for employees? Doesn't the Township want economic activity?

Bob LaJeunesse thinks the 320 sq. ft. should be expanded in an accessory building.

Scott Emerson agreed. He thinks 600 sq. ft. is reasonable.

Doug Riley said that a Home Occupation is supposed to be a secondary use of your home and should not change the residential character of the area.

Ken Tabor said this needs more review but agreed with 1/4 of a family dwelling and 1/2 of a accessory building.

Steve Kinnunen thought it may open it up too much.

Don Britton said we want to be user friendly.

John Sandin asked if trailers were considered in the same category as commercial vehicles? If there is more than one, is a review by the Planning Commission needed? Don Britton said if they are licensed they are considered a vehicle. Walt Racine asked about campers and boats, and if there was a limit on size and numbers parked in your yard? Bill Sanders said this ordinance language is only for commercial vehicles parking in residential areas only

Bill Sanders brought up the Home Occupation Permit fee issue. He said they have been kicking around the fee amount. The neighboring property owners within 300 feet would be notified.

Doug Riley noted that it averages the Township between \$65 and \$85 to put the notice in the paper and complete the mailing to all property owners within the 300 feet area. The Township now recoups none of that money, as there is no fee for a Home Occupation Permit at this time. He noted that a Variance and Conditional Use Permit cost is \$75.

Dick Arnold said he feels the person applying for the permit should pay for all of it. He asked why the taxpayers should pay for getting their home business permit?

Bob LaJeunesse said that as a taxpayer too, he feels the person applying should pay perhaps \$50.00.

Walt Racine questioned if someone has a home business right now, do they have to get a permit?

Bob LaJeunesse asked whose job is it to check on these home businesses, is it the business owner or the Township?

Bill Sanders feels that it is the business owner who should come to renew his permit. He feels that a \$75 fee is too high. Estelle DeVooght agreed, saying that it may scare small business owners away.

Bob Attwell said he thinks \$75 is fair, if they have money to start a business they should have enough to pay for a permit.

Walt Racine suggested a \$75 fee for the initial permit and \$50 for the following permits every three years afterward.

Scott Emerson suggested an initial \$75 permit fee, and unless there was a change in the business, the owner could just renew by letter to the Township without a second fee. If there were a change, the owner would come in for a review.

B. Public Meeting -Election Signs

Doug Riley said this was an issue discussed during the Joint Meeting in January. He explained the current ordinance and the proposed changes.

John Trudeau agreed that the clean up of signs after an election is a problem, but he feels it is a freedom of speech issue and feels we could control it in other ways. He said there is no coordination within political party groups to put signs out. He suggests groups/political parties register their signs with the Township. The Township would give them stickers to put on their signs with their name and contact information on the stickers. He said there would be a problem controlling

groups from out of the area from coming in and putting up signs. In public areas, if the stickers were not on a sign, the Township could then remove the sign. To reclaim your sign put up improperly, the fee would be \$3.00 per sign fee.

Bob LaJeunesse asked who would be responsible for picking up the signs? He said the DPW Department is so busy working on other projects.

Bill Sanders suggested publishing our requirements in the local paper and going with the deposit. The checks would just be held by the Township, and the owners would get their check back if they properly took down their signs. He felt the sticker suggestion was too complicated and time consuming to be checking for stickers on every sign.

John Trudeau said it would not be fair if a political party paid their deposit and lost it because outside groups came in with the same type of sign and did not pick them up after the election.

Estelle DeVooght felt the deposit system would not work.

Scott Emerson said you must get permission for private landowners to put signs up on their property. The property owner will remove the sign or at least they will know whom to contact to have them removed.

Dick Arnold asked how many signs were left out after the last election?

Bill Sanders said Tom Shaw had picked up 75 signs himself and paid to have them taken to the dump.

Bob LaJeunesse said he doesn't want his tax money used for the Township to pick up signs.

Ken Tabor said we should go with the five days removal time after an election.

Bill Sanders said some things just cannot be fixed, and this may be one of them.

It was a consensus to make the following changes to the proposed amendment:

- a) A \$100 sign deposit feeomit it completely
- b) Approval of the landowner as proposed
- c) Signs may not exceed 32 sq. ft. as proposed
- d) Signs may not be placed any earlier than 30 days prior to the electionchange it to 45 days and to keep the removal within 5 days after the election.

John Trudeau noted that at intersections, height of signs is very important. He explained the sign size/dimensions he thought would work for the Township

Ken Tabor suggested changing the wording to c) Signs may not exceed 32 sq. ft. and no side can be longer than 8 ft. and it was suggested to omit the following wording "only one (1) identical sign shall be placed on any individual lot or property".

Bill Sanders complimented everyone on the comments given, and the helpful manner in which everyone participated and worked together.

Bill Sanders called for a two minute break at 9:26 P.M.

VII. NEW BUSINESS

A. Discuss – Cluster Development/Open Space Preservation Provisions – Public Act 177

Doug Riley explained Public Act 177 was State Legislation and we must include Open Space/ Cluster Zoning provisions into our Ordinance He would like to get the commissioners' ideas on six possible additions to our language in his memo. These are their ideas during the discussion:

- 1) Review Procedure: All thought the site plan submittal requirement and the conditional use review process were appropriate.
- 2) Density Determination: It is extra expense for the developer/the unbuildable area is not included in the plan/the parallel plan is good, they get a better analysis/get the best financial plan/needs more options/use a simple density calculation for plans of less than 6 homes.
- 3) Density Bonus: Do we need # 3 and #4? Either one/or both? Like density bonus for leaving forests for production/economic implications as large acreages have been broken down through the years.
- 4) Private Roads: Use a density bonus to affect roads-can make them shorter and improve the initial construction/decreases maintenance/sell more homes and preserve more land.
- 5) Recreational Amenities: All agreed that it could be used to promote nature trails, tennis courts, baseball fields as part of the larger developments.
- 6) Setbacks: Limit no homes closer than 300 ft./or have homes near the roads and the forested areas can be contiguous to other lots/every lot can be different, depends on lay of land/ have minimum size lots/need septic approvals, which problems may take care of themselves.

Doug Riley will put together language for the next meeting that the Commissioners can look at. The commissioners are asked to call him with their thoughts/comments for the draft.

VIII. PLANNING DIRECTOR'S REPORT

Planning Director provided updates on the following:

- 1) Corridor Plan
- 2) MDOT repairing the bridge on Big Creek on US 41 - US-41 will be closed this summer which may cause heavier traffic along Cherry Creek and Little Lake Road- Potential damage to Little Lake Road between 480 and 41.

IX. PUBLIC COMMENT

Walt Racine asked when Chocolay Township would be opened up to commercial development? He asked about a public water supply being put into the Township? If we do not have public water, we will not attract businesses. He has potential well contamination, but yet his taxes went up. He believes the State, Odovero, and the Indian reservation would have given money for the public water supply and along with the grants the Township turned down, we could have had public water in Chocolay.

Bill Sanders said Chocolay Township has always welcomed commercial businesses, and he knows nothing about money that was offered to pay for a water system. Cost is the factor in the public water supply.

Lee Blondeau asked about the Zoning Ordinance requirements regarding the DNR facility on Cherry Creek and Ford Road? He questioned the parking of commercial vehicles in the residential zoned area and their repair facility? Others questioned a chemical storage building and a fire hose drying facility.

X. COMMISSIONER COMMENT

Scott Emerson noted that the DNR Trail Advisory Committee meetings are done. Bill Sanders thanked Scott Emerson for all the time and work he put into it.

XI. ADJOURNMENT Chair Bill Sanders adjourned the meeting at 10:15 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

April 14, 2003

Present: Commissioners: Bill Sanders, Estelle DeVooght, Steve Kinnunen, and Scott Emerson

Absent: Tom Shaw, Ken Tabor and Mike LaPointe.

Staff: Doug Riley, Director of Planning and Research, Denny Magadanz, DPW Supervisor and Cathy Phelps, Recording Secretary.

I. PUBLIC HEARING CALLED TO ORDER

Chair Sanders opened the Public Hearing at 7:33 p.m.

II. PUBLIC HEARINGS:

A. Rezoning #123 – Zoning Ordinance Text Amendment – Commercial Vehicle Parking in Residential Areas/Home Occupations

Bill Sanders read a letter from Mark Maki of 370 Karen Road. He gave comments regarding the following: defining would be appropriate, retail businesses in residential areas is not in character, accessory buildings are not in character, parking commercial vehicles and businesses in residential zones.

John Smith of 2176 M-28 E. spoke regarding commercial vehicle definition, motor homes and that ordinary persons wouldn't know what the GVW is on their vehicles. He suggested keeping the ordinance simple and having it state "ordinary accessory use if properly screened". He was concerned who will make the determination.

John Trudeau of 216 Cedar Lane suggested that perhaps a clearer definition of a commercial vehicle was needed in the proposed changes.

B. Rezoning #124 – Zoning Ordinance Text – Election Signs

John Smith said he has not seen a sign problem. He feels the local people do a great job, that it is the outsiders that cause the problem. He reserved time during Old Business – Rezoning #124.

The Public Hearing was closed at 7:45 p.m.

III. MEETING CALLED TO ORDER

Chair Sanders opened the Meeting at 7:45 p.m.

IV. APPROVAL OF THE MEETING MINUTES

Steve Kinnunen moved, Scott Emerson second, that the March 10, 2003 Minutes be approved as presented. Aye 4, Nay 0. Motion approved.

V. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Scott Emerson second, that the agenda be approved as presented. Aye 4, Nay 0. Motion approved.

VI. PUBLIC COMMENT – None

VII. PRESENTATION – Noquemanon Trail Network

Craig Stien said their group has been in existence for three years, and they have been working on developing a regional non-motorized trail system. They work with all the non-motorized groups (hiking, biking, kayaking, cross-country skiing, etc.) They have received tremendous public support. They have raised \$80,000 and have about 300 members at this time. He said their master plan is the reason he is at the Choccolay planning meeting tonight. He explained what they could do for the Township, and we

could do for them. They have lots of experience in working on trails and they can help us plan and develop trails in Chocolay. They can also help us in getting grants. They are a voice for non-motorized sports. They spoke to the DNR as a non-motorized group regarding the railroad grade through Chocolay Township. We can work together in a master plan for clean, quiet sports. They have volunteers set to help work on trails. He asked the Planning Commissioners if they would give a Resolution of Support?

Mr. Stien was open to questions at this point. He was asked what the trail surfaces are? Mr. Stien said most were made of natural materials (road gravel). Some are paved, but this is very expensive. They work with volunteers in clearing and leveling the trails. They are not asking for money, but of course would take it if offered. They have received no government funding up to now. They have uniform signage along the trails. Asked if we could get the same type of signage here in Chocolay? Mr. Stien said. "yes we could get the same. It is a blue sign with an arrowhead used for directional signs. They also have welcome signs. They would love to connect the non-motorized trail system all the way to Munising. They have close ties to Michigan Rails to Trails. They do have a website, which will be updated shortly.

Scott Emerson Moved Bill Sanders Second that the Planning Commission adopts the following:

**CHOCOLAY TOWNSHIP PLANNING COMMISSION
RESOLUTION OF SUPPORT**

WHEREAS, defining and projecting an image of a livable physically active community is an essential component of economic and community development; and

WHEREAS, the Noquemanon Trail Network Foundation is a board comprised of local citizens interested in a regional, multi-use, year round, non-motorized land and water trail network for silent sport recreation; and

WHEREAS, the Noquemanon Trail Network Foundation board has demonstrated the importance of a livable physically active community to economic and community development.

NOW THEREFORE BE IT RESOLVED that the Chocolay Township Planning Commission fully supports the endeavors of the Noquemanon Trail Network Foundation to advance the regional, multi-use, year round, non-motorized land and water trail network project and will look to incorporate it's concepts into the Chocolay Township Recreation Plan and other planning documents.

Aye 4, Nay 0. Motion approved. A letter will be send to the Noquemanon Trail Network and also to the Board.

VIII. OLD BUSINESS

A. Consider – Rezoning #123 – Zoning Ordinance Text Amendment – Commercial Vehicle Parking in Residential Areas/Home Occupation

Sanders noted that after discussion, the Planning Commission will make a recommendation, which will go to the County for review and then to the Township Board.

Discussion centered on the public comments/suggestions from the public hearing. The Planning Commission determined it should retain language regarding "retail" not being permitted as part of a home occupation. Planning Director Riley recommended retaining the 1st sentence of item #4 of the existing home occupation language.

Scott Emerson Moved, Bill Sanders Second that the Planning Commission recommend approval of Rezoning #123 to the Township Board for a text amendment to Zoning Ordinance #34 under SECTION 107 ACCESSORY USES AND STRUCTURES to amend the Home Occupation Provisions and to establish a Commercial Vehicle Parking in Residential Districts section as follows:

Section 107 (A) - Home Occupation Provisions - The existing language shall be deleted and replaced with the following:

Section 107(A) - HOME OCCUPATIONS

Home occupations that are permitted without any Township review or approval required include any home occupation that does not have any exterior evidence, other than the permitted sign, and complies with all of the following:

- a) Is conducted entirely within an enclosed dwelling but does not occupy more than 1/4 of the floor area of the residential single family dwelling unit on the property or not more than 1/2 of the square footage of an accessory structure.
- b) Home occupations shall employ only those inhabitants residing on the premises.
- c) A sign shall not exceed four (4) sq. ft. in area and shall be attached to the building used for the home occupation or a two (2) sq. ft. sign may be placed in the yard.
- d) Commercial vehicles or personal vehicles with signage are permitted to be parked in association with the home occupation as long as they are of customary personal vehicle size (e.g. cars, trucks, vans, etc.). Up to one (1) 25 foot or smaller truck or van not exceeding 16,000 GVW (Gross Vehicle Weight) may be parked at a residence in the R-1, R-2, R-3 and R-4 Districts in conjunction with the home occupation. Up to one (1) 27 foot or smaller truck or van may be parked at a residence in all other residential zoning districts in conjunction with the home occupation.
- e) Specifically excluded is the storage and display of merchandise not produced by such home occupation or any activity similar to a generally recognized retail store or service establishment as permitted in any commercial district.

Any Home Occupation that does not comply with items a) through d) above requires review and approval by the Township Planning Commission under the provisions of Section 701 (Conditional Use Permits). Home Occupations reviewed by the Planning Commission shall be reviewed to assure that the use or structure does not become contrary to the public health, safety, or welfare or the spirit and purpose of this Ordinance. In completing this review, the Planning Commission shall take into account the zoning district, the size of the property, distance to adjacent land uses, screening, buffering, and other factors. The Planning Commission may attach conditions, including any time limit for future review, as warranted.

Section 107 - Add a new Section (D) - COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS as follows:

COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS

- 1) Commercial vehicles, or personal vehicles with signage, are permitted to be parked at a residence as long as they are of customary personal vehicle size (e.g. cars, trucks, vans, etc.) without any Township review or approval required.
- 2) Up to one (1) 25 foot or smaller truck or van not exceeding 16,000 GVW (Gross Vehicle Weight) may be parked at a residence in the R-1, R-2, R-3 and R-4 districts without any Township review or approval required.
- 3) Up to one (1) 27 foot or smaller truck or van may be parked at a residence in all other residential zoning districts without any Township review or approval required.
- 4) Any larger commercial vehicles or equipment, or for more than one (1) vehicle as specified in item 2) or 3) above requires review and approval by the Township Planning Commission under the Home Occupation provisions of the Ordinance. (This does not include equipment used for one's own snowplowing, farming, etc.).

During the discussion Bill Sanders noted that we have been working on this since January and had lots of participation from residents. The people that are affected by this seem to be supportive of the changes. Scott Emerson stated that John Smith's ideas could cause more problems. The amended rules and regulations are not arbitrary. John Smith wanted to simplify it. Steve Kinnunen said this controls the size and weight of vehicles being driven through

neighborhoods. It gives everyone a fair shake. A question was asked why a large size house (rich person) is able to use more space for business than a small house (poorer person), so only the rich get richer? Bill Sanders stated that Home Occupations are not for large businesses. This is just for small, non-evident home businesses. Scott Emerson noted that the IRS categorizes businesses in this same way (percentage of square footage).

Aye 4, Nay 0. Motion approved. This recommendation now goes to the County Planning Commission.

B. Consider – Rezoning #124 – Zoning Ordinance Text Amendment - Election Signs

John Smith spoke after reserving time. He feels the local (county) people are not the problem, but the outsiders are the cause of signs being left after elections. He feels this is an infringement on free speech. The State has a limit of 90 days and the Township is cutting the time in half. What right do we have to limit the time? Scott Emerson asked John Smith what his suggestion would be? John Smith suggested 60 days.

Scott Emerson does not feel this is a free speech issue; if we would not allow signs at all then it would be a free speech issue. We have the right to limit the time as the city of Marquette also limits signs to 45 days. He then asked John Smith that since he feels that 45 days is an arbitrary number, wouldn't 60 days also be?

Bill Sanders moved, Steve Kinnunen second that the Planning Commission recommend approval of Rezoning #124 to the Township Board for a text amendment to Zoning Ordinance #34 under SECTION 805 EXEMPTIONS FROM SIGN REGULATIONS to amend the Election Sign provisions as follows:

Section 805 - Election (Political) Sign Provisions - The existing language shall be deleted and replaced with the following:

Section 805 - Election Signs

Political signs which are intended to advertise a public election, issues to be balloted upon in that election, or to promote individuals and/or parties participating in an election are permitted as follows:

- a) Approval of the landowner or occupant must be obtained prior to sign placement. Signs must be placed in accordance to Michigan Department of Transportation or County Road Commission setback rules as applicable.
- b) Signs may not exceed 32 square feet and no side may exceed 8' in length.
- c) Signs may not be placed any earlier than 45 days prior to the election and must be removed within 5 days after the election.

Aye 4, Nay 0. Motion approved.

C. Discuss – Draft Cluster Development/Open Space Preservation Provisions – Public Act 177

Doug Riley stated that this draft language was a combination of actual language from Public Act #177, Marquette Township's adopted language and ideas that were discussed at the March meeting. This is a statewide promotion for efficient use of land.

Bill Sanders asked if feedback from other planning groups had been solicited on this specific language, specifically on the density bonus provisions? Riley indicated that he will send it out to other planning groups for their comments. All agreed to look at keeping it relatively simple; we do not want this to be cumbersome. We have non-commercial forests, a similar scenario to the farmland downstate, and perhaps the preservation of these forest areas can be tied into this.

Estelle DeVooght asked how this Cluster Development tied in with the land conservatories? Isn't this doubling up? Doug Riley said they may promote one another. Bill Sanders said we are moving in the right direction.

IX. NEW BUSINESS - None

X. PLANNING DIRECTOR'S REPORT

Doug Riley spoke on three items. 1) On April 21st there is a Land Use Leadership Meeting at 3:00 and 6:00 p.m. at NMU, 2) Agendas and Minutes for the Planning Commission, Zoning Board of Appeals and the Board meetings are now on our Township website. 3) The Little Lake Road will be an official detour while the County works on the bridge near County Road 480 and US 41 South scheduled for this summer. They will improve Little Lake Road to accommodate the increased traffic at MDOT expense.

IX. PUBLIC COMMENT

Randy Gentz asked what the website for the Township was? Doug Riley noted it was www.upsell.com/choctwp.htm

Doug Riley noted that we now have more frequent updates. Meeting schedules and Minutes are posted in the Township office, the community center, the Fire Hall, Northern Michigan Bank, Wells Fargo Bank, Jacks IGA, Kassel's Korner and First of Negaunee Bank.

X. COMMISSIONER COMMENT – None

XI. ADJOURNMENT Chair Bill Sanders adjourned the meeting at 8:50 P.M.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

CHOCOLAY TOWNSHIP PLANNING COMMISSION

May 12, 2003

Present: Commissioners: Bill Sanders, Estelle DeVooght, Tom Shaw, Mike LaPointe and Ken Tabor

Absent: Steve Kinnunen and Scott Emerson.

Staff: Doug Riley, Director of Planning and Research and Cathy Phelps, Recording Secretary.

I. PUBLIC HEARING CALLED TO ORDER

Chair Sanders opened the Public Hearing at 7:37 p.m.

II. PUBLIC HEARINGS:

A. Special Use Permit #3 – Carl Besola – Mining Permit (Sand) – Youn property at the end of Valley Road

Bill Sanders said this is a public hearing for a special use permit, a recommendation will be determined tonight and will be given to the Board on May 19th.

Doug Riley read over the application for the mining permit and showed the district zoning map explaining that this area is zoned RP (Resource Production) and the lots need to be 20 acres or larger. Proper notification has been made to the property owners within ¼ mile of the property. Doug Riley noted the problems involved with this operation in the past were primarily dust and noise. He read three letters from nearby property owners who were concerned about the sand mining and he also noted one phone call he received regarding the noise and dust. The Road Commission responded that they would like to see dust control measures implemented on the haul route (Valley Road). The Soil Conservation District indicated that a permit from their office is needed and they have been in contact with Mr. Besola.

Bill Sanders opened the public hearing to those attending.

Earl Yelle, Sands Township Supervisor, stated Sands Township has no problems with the mining permit.

Gretchen Preston of 993 Valley Road asked the people who opposed the permit to stand. Most of the audience stood.

Sam Mahoney of 981 Valley Road presented the Planning Commission with pictures of the existing area showing junk cars, oil cans, and miscellaneous debris. He stated there is no top soil left where Carl Besola had mined before. He asked if the water quality had been tested, how much oil is in the water supply? The noise can be heard ¼ a mile away. Neighbors cannot leave their windows open the dust is so thick and the noise is constant from the shaker. Who is going to pay for the damage it causes? Does the DEQ check on Mr. Besola? Could he put a bond down to cover damages he causes? What about lowering of their property values? Please invite Mr. Besola to leave.

Bill Sanders stated that we must have respect for one another at this meeting.

Carl Besola of 6262 US 41 South noted the oil cans were used to haul water and the shaker does not run continuously. There is a lot of top soil left, and he plants trees. The so called facts these people are telling the Planning Commission are not true. The mining pit has been there for years, he has purchased a larger truck than he used before. The Soil Conservation District has been there to check on the area. He does not speed along the road.

Fanice Wuepper of 1075 Cherry Creek Road stated that the fine sand dust could cause hardening of the lungs after long time exposure. She questioned the requirements of state regulations. She noted the Township can be more strict, but

cannot be more general. How many cubic yards does Mr. Besola haul per year? Is he 1500 feet from the nearest well and 500 feet from the nearest county road? What will the policy be for inspecting Mr. Besola? It will grow and property values will lessen. Will the Township be responsible for this? She would like to see a site plan and a survey done.

Joanne Clarke of 950 Valley Road noted that Valley Road is a dead-end road. She said she has a lung condition and her son is an asthmatic. The dust is a problem especially for them. Mr. Besola runs his trucks even when the road restrictions are on. He drives too fast, she has almost been run off the road. She does not want the noise from Mr. Besola's shaker. He runs it even on Sundays. She has fought for five years to keep him out. She said 1 or 2 of the people are here to make money, the others are here to protect the air they breathe. Joanne requested that the Planning Commission members go down Valley Road and see it for themselves. It is a country gravel road with blackberries and raspberries growing, kids playing; just a typical country setting. But what is it going to be like when Mr. Besola is done? Will the people have health problems caused from the dust? Please let it remain country.

Tracy Feliz of 996 Valley Road noted this is a neighborhood where they raise their children, have pets and entertain their friends. They like to hear the birds and see the deer. She wants the Planning Commission to keep this in mind when making their decision on the mining permit. Please do not allow him to get the permit.

Joan Mulder of 1034 Cherry Creek Road said she owns 40 acres and enjoys riding her horses. Mr. Besola's shaker is so loud that she has to wear earplugs. She said the shaker runs non-stop. She is sick of the noise. Mr. Besola is mining within 1500 feet of their well. They want to be able to enjoy their home.

James Youn of 998 Valley Road questioned the black topping of Valley Road? He also noted that even bikes kick up dust on the road.

Carl Besola noted he never runs the shaker on a Sunday, he obeys the Sabbath Day.

John Rhodes of 655 Cherry Creek Road said he has lived there for 19 years. Trucks travel that road every day of the week. Why has it taken so long to get to this point since Mr. Besola has not had a permit? He has several witnesses to the fact that Mr. Besola runs his shaker at 7:00 a.m. and drives his trucks too fast.

Carl Besola said not all the trucks on Valley Road are his. Between 7:00 and 8:00 a.m. he spends his time on the phone at home. He is not on the roads.

Tim Preston of 993 Valley Road said the traffic has accelerated lately. Where is the end? Will there be more trucks and more noise? What will happen to their property values?

Matthew DeBreuil of 975 Cherry Creek asked if the Township can verify the amount of sand removed by Mr. Besola? Will he be forced to clean up? What about posting a bond for expenses? He said he lives a half mile away and can hear the shaker. Can the shaker be insulated for sound? He asked about how many trips per day it would take to haul out 1000 cubic yards in a season, and asked how that could be measured and controlled? He asked what will the Township be left with in that area after ten or twenty years?

Larry Wilson of 600 Cherry Creek Road said a gravel road will kick out dust. He does not hear the shaker. He asked if the DNR flies over, and if they have taken any pictures of the area? He said the pictures would show if there is a problem.

Devin Mahoney of 981 Valley Road said there are many children in the area. Their health and safety should be taken into consideration. When a truck goes by and you are along the road, the dust hangs in the air for many minutes, it is hard to breathe.

The property owner to the southeast questioned mineral rights? He believes there are no mineral rights in the U.P. Why are gravel pits different? He believes you cannot sell minerals from your land for profit. It was never legal. He would like the board to address this.

Carl Besola noted that Mr. O'Dovero has his own gravel pit.

James Mager of 770 Lakewood Lane owns land in Sands Township near this area. He stated that someone is near his land looking for sand and leveling areas.

Sarah Clarke, daughter of Joanne Clarke of 950 Valley Road noted that buses go the speed limit on Valley Road, but the trucks hauling sand speed through the neighborhood and kick up lots of dust. It is a narrow road, which should be black topped.

Diane Mahoney of 981 Valley Road said the shaker is loud all day long. The dust is terrible, especially when the trucks with trailers travel along Valley Road. She cannot open the windows of her home. The truck drivers go way too fast along Valley Road.

Russell Prather and Carol Phillips of 990 Valley Road said that the shaker is very loud and goes for hours. The noise gets on your nerves. This is noise pollution. The quality of life is going down in that area. It is hard not to get emotional about it, our homes are a large investment.

Robin Rohoy of 975 Valley Road said she has three children and worries about the danger of them being hit by the trucks. The kids in that area have a false sense of security and she worries that something may happen if the trucks do not slow down.

Marvin Brewall of 682 Cherry Creek Road said Mr. Besola has the right to make a living.

James Youn said he moved here in 1936, they used to walk or ski out to catch the bus. The road was graveled at one time, but now the gravel is long gone.

Bill Sanders said the Planning Commission would decide on their recommendation tonight; whether to deny, approve or table the recommendation. The Township Board, after receiving the recommendation, will discuss and they will then be the final authority on the permit. If tabled, someone asked what happens then, does Mr. Besola have the right to mine the sand? Bill Sanders said not without a permit if more than 1000 cubic yards is removed. He closed the Public Hearing at 8:30 p.m.

III. MEETING CALLED TO ORDER

Chair Sanders opened the meeting at 8:30 p.m.

IV. APPROVAL OF THE MEETING MINUTES

Estelle DeVooght Moved, Tom Shaw Second, that the April 14, 2003 Minutes be approved as presented. Aye 5, Nay 0. Motion approved.

V. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders Moved, Estelle DeVooght Second, that the agenda be approved as presented. Aye 5, Nay 0. Motion approved.

VI. PUBLIC COMMENT

Carl Besola said he began his business with two trucks, and use generally just one at a time. He does not plan to add more trucks. County roads are not a place for children to be playing on. Drivers should always leave 500 feet of spacing between themselves and the truck in front, never tailgate. He could move his shaker closer to Roger Welchs'

property to try to help the noise pollution problem. He purchased a water tank to water Valley Road to keep the dust down.

Joanne Clarke asked about the assessments of their property. Will taxes be lowered because of the problems they have in that area? They also have to pay to keep their vehicles repaired from all the ruts, which are caused from the large trucks.

VII. NEW BUSINESS

A. SPECIAL USE PERMIT #3 –Carl Besola – Mining Permit (Sand) – Youn property at the end of Valley Road.

Bill Sanders said he understands that emotions are running high. But we must respect each other and try to come to some common ground that both sides can live with. Without a permit, Carl Besola was not regulated. He has now come in with a permit application to use the land as zoned. With the approval of this application, we can now put conditions on it.

Doug Riley explained the mineral rights issue. He said it was a private matter and it is in the deed of the owner of the land. The Township cannot legally get involved with that issue. How we can we enforce the limit of sand removed? He does not have an answer. The Zoning Administrator can work with Carl Besola, but there is no magic way to verify that amount. The 1500-foot distance to the nearest well will be looked into further. The reclamation plan could be reviewed after three years.

Carl Besola said his permit from the Conservation District is pending at this time.

Estelle DeVooght noted that the Planning Commission had a similar situation with Blondeau in the past. She could not remember the details.

Bill Sanders noted that Carl Besola signed the application and has agreed to maintain dust control. Asked if the mining permit transfers to new property owners if the land is sold, Bill Sanders said the special use permit is not forever. He said we must set conditions on this permit in the RP zoned district. But the owner has a right to mine it, especially since it has been previously mined for years. Let's try to find a common ground. He said the Zoning Administrator could try to measure the material hauled by the number of trucks. Carl Besola said many times he runs the truck with just a half a load. Estelle DeVooght suggested hiring a surveyor figure the amount of sand in an area. He can take less than 1000 cubic yards without a permit. Carl Besola stated that this pit has the best sand for backfill and septic fields. He said the maximum he could take per year would be 1500 to 2000 yards. He would probably average 1800 cubic yards per year. The old pit can be used as it is grandfathered in.

Carl Besola said that he uses the shaker for topsoil. He can move it if it upsets so many people. He can run it for three days a week; Monday, Tuesday and Wednesday only. If that doesn't work he will remove it.

Mike LaPointe recommended the following conditions:

1. Haul Monday through Friday 8:00 a.m. to 5:00 p.m. only. May to November only.
2. Shaker used Monday, Tuesday, and Wednesday 9:00 a.m. to 4:00 p.m. It will be moved to the center of the property within a month.
3. Watering the road to reduce the dust, at Carl's discretion.
4. Have a reclamation plan within 6 months.
5. Slope and re-seed, etc. (30% slope)
6. 500 foot buffer on all sides of the property.
7. 1500 feet from the nearest well.
8. Hire a surveyor to measure the pit once per year.

Discussion centered on the issue of topsoil removal and processing. The Planning Commission determined that this could best be controlled by limited shaker hours being permitted.

Bill Sanders asked Carl Besola if he would abandon the old pits? He said that may go a long way to mend the ill-feelings. Carl Besola said the old pit has some stone (pea-gravel) he does not want to abandon it because it is grandfathered. It insures his future. Bill Sanders said any complaints could be given to Randy Yelle at the Township office. Randy Yelle will give Carl Besola notice to correct the problem. If not corrected, the permit could be revoked.

Bill Sanders Moved, Ken Tabor Seconded, that after consideration of Special Use Permit #3 for a Mining and Mineral Extraction Permit for sand as provided in the standards of Section 407 of the Chocoday Township Zoning Ordinance, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) That the applicant complies with all elements of his application unless otherwise noted in these conditions.
- 2) That the applicant apply dust control measures as needed on the haul routes to prevent dust from impacting property owners.
- 3) That an 800' buffer be maintained along all property lines where no excavation shall take place and the buffer is left in its natural state including trees already on site.
- 4) The shaker shall only be utilized between the hours of 10:00 a.m. and 3:00 p.m. two days per week, not on weekends.
- 5) That excavated areas shall be reclaimed, per item 8 of the application, within 6 months after excavation in a particular area has ceased.
- 6) That the applicant obtains a soil erosion permit as required by the Soil Conservation District.
- 7) That the applicant have surveyed and submit to the Township once per year a certification of the volume of material removed.
- 8) That the maximum limit of material removed from the site is 1800 cubic yards per year.
- 9) The clearance to the nearest well be maintained at 1500 feet or must be approved by the Zoning Board of Appeals.
- 10) The shaker will be relocated to the approximate center of the property within 30 days after approval of the permit application.
- 11) That this permit is valid for a period of three (3) years after which time the Planning Commission shall review the permit to determine the need for new/amended conditions.

Aye 5, Nay 0. Motion approved. This recommendation will now go to the Township Board for their May 19, 2003 meeting at 7:00 p.m.

B. Lot Split Request #15 – David Bussier – 401 Green Bay Street

Doug Riley said this lot split request is very basic. This property is part of the original 1800's plat of the village of Harvey. Mr. Bussier of 401 Green Bay Street is requesting the split. Notification was sent to the adjacent property owners with no responses. This lot split will clear up some confusion between property owners. Both parcels will remain non-conforming based on lot area requirements.

Mike LaPoint Motioned, Ken Tabor Second that the Chocoday Township Planning Commission recommend to the Chocoday Township Board that Lot Split #15 be approved with the following conditions:

- 1) The Township is making no findings as to actual property line locations.
- 2) That the piece of property being split is combined into the legal description of the neighbor's parcel to the south.

Aye 5, Nay 0. Motion approved. This now goes to the Chocoday Township Board on May 19th at 7:00 p.m.

VIII. PLANNING DIRECTOR'S REPORT

A copy of the County Planning Commission recommendation on the recent zoning text amendments were provided to the Commissioners.

IX. PUBLIC COMMENT – None

X. COMMISSIONER COMMENT

Mike LaPointe inquired about potential corridor improvements on US 41 South. Doug Riley said there is a meeting on May 13, 2003 regarding the Corridor Plan.

XI. ADJOURNMENT Chair Bill Sanders adjourned the meeting at 9:55 p.m.

Estelle DeVooght, Commission Secretary

Cathy Phelps, Recording Secretary

Chocolay Township Planning Commission

Monday, July 14th, 2003

Present: Commissioners: Bill Sanders, Estelle DeVooght, Tom Shaw, Mike LaPointe, Steve Kinunen, and Ken Tabor

Absent: Scott Emerson

Staff: Doug Riley, Director of Planning and Research, Lee Snooks, Director of Recreation and Grants Administration, Kathleen Stiles, Recording Secretary

I. PUBLIC HEARINGS

A. **Rezoning #125 - Schaub - Terrace Street - C-2 (Commercial) and R – 1 (Residential) to R – 3 (Residential – Single and Multi – Family)**

Bill Sanders opened the public hearing at 7:35 p.m. Planning Director Riley provided an overview of the rezoning of the Schaub property. He also made reference to the current buildings on the property and how they would be torn down and replaced with three to four apartment buildings. The alley that still technically exists, though while not constructed, will also have to be addressed as part of the site plan process.

Bill Sanders opened the public hearing to those attending.

Jim Tonkin, 308 Corning, stated that he was concerned about the future use of the alleyway.

Mark Brandel, 201 Terrace, stated that he and his wife were concerned about how close the apartment buildings would be built to their existing home.

Doug Riley then showed drawn plans of what the apartment buildings would look like. There was then some discussion about if these apartments would be sold or used as rentals and the Schaub family stated that they would be sold. Doug Riley also stated that Planning Commissioner Emerson also called supporting the rezoning. (A letter was also submitted to the Planning Commission from Calvert and Rose Gentz, 234 Corning against the rezoning).

Bill Sanders then closed the public hearing at 7:45 p.m.

B. **Special Use Permit #4 – Wittler – U.S. 41 – Mining Permit for the excavation of sand**

Chairperson Sanders opened the public hearing at 7:45 p.m. Planning Director Riley provided an overview of the requested permit. Planning Director Riley indicated that this site had been approved for a mining permit for sand in both 1999 and again in 2001 in order to obtain sand for local road construction projects. The applicant would now like to obtain a 5 year permit, the maximum duration allowed under Ordinance before review is required again, in order to have the permit in place when sand is needed for a local road or other construction project. The Township has never received a complaint regarding sand excavation from this site.

No other public comment.

Chairperson Sanders closed the public hearing at 7:50 p.m.

II. MEETING CALLED TO ORDER/ROLL CALL

Chair Sanders then opened the regular meeting.

III. APPROVAL OF THE MEETING MINUTES

Steve Kinnunen moved, Estelle DeVooght second, that the May 12, 2003 minutes be approved. Motion approved

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders moved, Steve Kinnunen second, that the agenda be approved as presented. Motion approved

V. PUBLIC COMMENT

John Trudeau, 216 Cedar Lane, commended Bill Sanders for doing a great job as Chair.

Bill Sanders then closed public comment.

VI. OLD BUSINESS

None

VII. NEW BUSINESS

A. **Rezoning #125 - Schaub - Terrace Street - C-2 (Commercial) and R – 1 (Residential) to R – 3 (Residential – Single and Multi – Family)**

Bill Sanders asked for the overhead again for a review of which area is currently C-2. Discussion centered on whether the leg of property that fronts on Fairbanks (the portion currently zoned R-1) should be included in the rezoning. The Schaub's indicated that they would at least like to have the property up to the hill rezoned to R-3 and perhaps leave the property below the top of the hill zoned R-1 and left undisturbed. Planning Director recommended this option as this was the "usable" portion of the property that would not impact the single family homes on Fairbanks. Many of the site design elements would be reviewed as part of the required site plan review of actual building and parking layouts.

Mark Brandel asked how much of a set back from his property would the rezoning call for and it was determined that it would be ten feet from the property line (where 5' is the current setback under the C-2 zoning). It was also discussed if the remaining R-1 property would leave enough for a building. Mr. Schaub explained that the remaining property would not be developed and that it may be used as a commons area for the apartments.

Kinnunen moved, Shaw second, that following review of Rezoning request #125, and the Staff/File Review, the Planning Commission recommends APPROVAL of Rezoning #125, except that the northern section of property fronting on Fairbanks measuring 150' x 80' shall not be included and shall remain zoned R-1.

Motion Approved

B. **Special Use Permit #4 - Wittler - U.S. 41 - Mining Permit for the excavation of sand**

The Planning Commission discussed the aspects of the application and the fact that the site has operated in the past with no complaints and it is very well buffered from surrounding properties.

LaPointe moved, Tabor second, that after consideration of Special Use Permit #4 for a Mining and Mineral Extraction Permit for sand as provided in the standards of Section

407 of the Chocolay Township Zoning Ordinance, the Planning Commission recommends approval to the Township Board with the following conditions:

- 1) That the applicant complies with all elements of his application.
- 2) That the access road be adequately treated to prevent dust from impacting US-41.
- 3) That the permit is only valid for 5 years (until 2008) and the Zoning Administrator shall check the site annually for compliance with the mining standards of the Ordinance.
- 4) That the applicant obtain a soil erosion permit as required by the Soil Conservation District.

MOTION CARRIED

C. ANNUAL ELECTION OF OFFICERS

DeVooght moved, Shaw second, to keep the same officers for another year.

Motion approved.

D. 2002 ANNUAL REPORT

Bill Sanders moved, Kinnunen second, to approve the annual report as presented.

Motion approved.

E. 2004 PLANNING COMMISSION BUDGET RECOMMENDATION

Doug Riley indicated that he had discussed having the Clerks office take over the financial aspect of the web site, under the Township Board fund category, instead of it being strictly the Planning Commission Department's budgeting responsibility. He also recommended to again request the three thousand dollars for professional services for needed corridor or comprehensive plan update services.

Chair Sanders and Doug Riley will prepare the final proposed Planning Commission budget.

F. REVIEW/DISCUSS- DRAFT RECREATION PLAN UPDATE

Lee Snooks talked about the need to have a new recreation plan for 2005. He and Doug Riley thought that the plan could be presented to the Planning Commission for review a couple of chapters at a time. The first chapters largely stay the same. The majority of change is to the census data from 1990 to 2000. More significant changes will be in the future chapters. This will be used for the purpose of writing grants.

The Planning Commission was encouraged to contact Mr. Snooks with any suggested changes they may have.

PLANNING DIRECTORS REPORT

Update on Corridor Plan

Update on the Community Center and possible move of Township Offices to that facility.

Doug introduced Kathleen Stiles, new Recording Secretary.

VIII. PUBLIC COMMENT

John Trudeau voiced his concerns about changing yet another commercial zoned area into a residential area. He suggested that the township should be trying to get

businesses to come to the Chocolay area and losing commercially zoned property for more residential areas could hurt the possibilities of that.

The Planning Commission discussed the pros and cons of the rezoning with Mr. Trudeau.

IX. COMMISSIONER COMMENT

DeVooght asked whether the Township had heard anything about the State not using and potentially selling off the Prison Farm properties. Perhaps we need to start planning for this possibility.

Planning Director Riley stated that he would check into this and provide a report at the next meeting.

X. INFORMATIONAL ITEMS AND CORRESPONDENCE

XI. ADJOURNMENT

Estelle DeVooght, Commission Secretary

Kathleen Stiles, Recording Secretary

Charter Township of Chocolay

Planning Commission Minutes

Monday, August 11, 2003

7:30 P.M.

Present: Bill Sanders, Estelle DeVooght, Tom Shaw, Mike LaPointe, Steve Kinunen, Scott Emerson

Absent: Ken Tabor

Staff: Doug Riley, Director of Planning and Research, Lee Snooks, Director of Recreation and Grants Administration, Kathleen Stiles, Recording Secretary

I. Public Hearings – None

II. Meeting Called to Order at 7:30 p.m.

III. Approval of Minutes

Mike LaPointe moved, Tom Shaw second, that the July 14th 2003 minutes be approved. Motion approved.

IV. Approval of Agenda

Bill Sanders moved, Steve Kinunen second, that the agenda be approved as presented. Motion approved.

V. Public Comment – None

VI. Old Business – None

VII. New Business

A. Recreation Plan - Review of Chapter 6 (Forwarding of Chapter 7)

Discussion was made regarding incorporating the Noquemanon plan into our Recreation Plan and the possibility of incorporating a Noquemanon sprint ski race on the railroad grade in the Township. There was also discussion about incorporating the proposed Noquemanon Water Trail into the Township for kayaking and canoeing.

B. Land Use Leadership Council

Discussion on Michigan's Land Use Leadership Council's draft recommendations. Discussion centered on how the discussion points apply to Chocolay Township.

VIII. Planning Directors Report

Special Board Meeting - August 13th to determine whether to appoint an interim Supervisor or to delegate the duties until the October 7th Special Election.

Update on the Prison Farm Property.

IX. Public Comment

John Smith - 2176 M-28 E - Commented that there might be some money for a bike lane on M-28 when MDOT does their scheduled improvements. He also added comment, regarding the Land Use Leadership's Council report, on reducing taxes for large landowners to keep large parcels intact.

X. Commissioner Comment

Bill Sanders mentioned that Mike LaPointe and Scott Emerson would be joining him for a Michigan Society of Planning meeting on the 15th in Marquette.

XI. Informational Items and Correspondence

XII. Adjournment

Estelle DeVooght, Commission Secretary

Kathleen Stiles, Recording Secretary

Charter Township of Chocolay
Planning Commission Minutes
Monday, September 8, 2003
7:30 P.M.

Present: Commissioners: Bill Sanders, Estelle DeVooght, Mike LaPointe, Steve Kinnunen and Ken Tabor

Absent: Tom Shaw and Scott Emerson.

Staff: Doug Riley, Director of Planning and Research, Cathy Phelps and Lori DeShambo, Recording Secretaries.

I. PUBLIC HEARING CALLED TO ORDER

Chair Sanders opened the Public Hearing at 7:30 p.m.

II. PUBLIC HEARINGS:

A. Rezoning #126- Ward – R-1 (Residential) to R-3 (Residential-Single and Multi-Family)

Bill Sanders read into the record a letter that was received following distribution of the agenda packet authored by the property owners that border the Frank Ward property.

Bill Sanders opened the public hearing to those attending.

Carol Henry, 1019 Ortman, stated she was against the zoning.

Kris Willard, 105 Veda, stated she was against the zoning as the property is currently zoned for single-family dwellings.

Ron Raisanen, 109 Veda, is against changing the zoning and would like it to stay residential.

Jim Peck, 104 Veda, owner of lots #8 and 9, which are located across from the proposed rezoned property stated he would like the zone to remain single family.

Bill Sanders explained the rezoning 126 issue and the difference between R-1, being zoned as a single family dwelling and R-3, which is for single and multi-family dwellings. R-3 zoning could include apartment buildings and condominiums.

Bill Sanders acknowledged and read the Deerview Trail residents' correspondence into the record.

Bill Sanders closed the Public Hearing regarding the R-3 issue at 7:40 p.m.

B. Conditional Use #66 – William Kimmes – Home Occupation/Parking of Commercial Vehicles

Mike Gschwind, 321 Fernwood, lives near the Kimmes' property stated that Mr. Kimmes keeps his equipment and property in good clean condition. He stated that "his street supports Kimmes." He noted that there are motor homes and such in the area that are the same size as the trucks Mr. Kimmes uses for his business.

Bill Sanders closed the Public Hearing regarding the Home Occupation/Parking of Commercial Vehicles issue at 7:42 p.m.

III. MEETING CALLED TO ORDER

Chair Sanders opened the meeting at 7:42 p.m.

IV. APPROVAL OF THE MEETING MINUTES

Steve Kinnunen Moved, Estelle DeVooght Second, that the August 11, 2003 Minutes be approved as presented. Aye 5, Nay 0. Motion approved.

V. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders Moved, Estelle DeVooght Second, that the agenda be approved as presented. Aye 5, Nay 0. Motion approved.

VI. PUBLIC COMMENT No comments.

VII. OLD BUSINESS None.

VIII. NEW BUSINESS

A. Rezoning #126 – Ward – R-1 (Residential) to R-3 (Residential- Single and Multi-Family)

Frank Ward addressed the Commission regarding his request. He referenced Randy Yelle's comments regarding spot zoning. Mr. Ward quoted excerpts from the Commissioner's packets referencing compatibility requirements. He stated that he has 23.5 acres which is enough property to allow the proposed multi-family buildings to have character and the required buffer zone.

He remarked on how accommodating he was to his neighbor regarding snowmobiles on his property but yet this same owner now objects to his zoning request.

Mr. Ward pointed out that several multi-family buildings have been built in Chocolay Township in the past several years pointing out the senior housing located on Cherry Creek Road and the fact that the Commission has rezoned a parcel of property located on Terrace. He also referenced Willow Road, which has two structures, which have had no adverse effect.

Mr. Ward stated he understood homeowners' concerns about their property being devalued, but again assured the proposed property would have a buffer zone and character.

The fact that the Board had denied his request for rezoning in the past due to sewer issues was addressed wherein Mr. Ward pointed out that the Ewing subdivision was approved and developed after his request was denied.

Mr. Ward advised the Commission that the Stenglein family had concerns in the past regarding the property and the fact that future home owners would have a problem with their farm and the smells emitted from farming but yet they have sold property in the past few years and now have residential homes built close to their farm.

Mr. Ward advised the Commission that he was awarded the Businessman's Award in Munising for his renovations to the Navigator Restaurant located in Munising.

Mr. Riley then brought the overhead into use with the map and zones of property in question being shown. The requested rezoned property was pointed out and the comparison parcels earlier indicated by Mr. Ward (R-3 on Willow Road, and other R-3 zones abutting C-2 parcels) were also pointed out.

Estelle DeVooght asked for the private drive of Deerview Trail to be indicated to her. The issue of spot zoning was again addressed.

Mr. Ward again referenced comments of Mr. Yelle (contained in the packet to the Planning Commission) regarding spot zoning. Estelle DeVooght stated that the Commission does not have to agree with Mr. Yelle.

Is spot zoning a legal issue?

Mr. Ward went into detail regarding how many units could be built on his property if he built the minimal requirement of 800 square feet (35 residential units) and what that would look like.

Steven Kinnunen then addressed the Commission stating that his son lives on Deerview Trail. He has no financial interest in his son's property and wanted this issue brought before the Commission to decide whether his voting would create a conflict of issue. Mr. Sanders voiced the opinion of the Commission that it would not.

Mr. Sanders made it clear that rezoning the property to R-3 not only opens up the property to build multi-family dwellings, it could include nursing homes, day care, hotels, clinics and the like.

Estelle DeVooght noted that she thought spot zoning was an issue here.

Sam Elder then addressed the Board with the development made to the Ewing subdivision and Carmen Drive additions. He stated that 2 lots had been kept open on U.S. 41 and 2 lots on Juliet as R-3 to be used as a buffer zone. The proposed church to be built on 8 acres was to have access from Cherry Creek (not through the residential home area) and the sewer system would be built through Jean Street. He pointed out that conditions were made to buffer commercial and residential buildings.

Mr. Sanders pointed out that he agreed with Estelle DeVooght in the questions of "what is spot zoning and what is not?" He stated he did not think it was proper to create R-3 zoned property surrounded only by R-1 zoned property. Most all of the Township's R-3 property abuts C-2 and acts as a transition to R-1.

Steve Kinnunen made the motion that following the review of zoning request #126 and the staff file review that the planning commission recommends denial of rezoning #126 to the Township Board to rezoned said property from R-1 to R-3 for the following reasons:

1. The requested R-3 zoning is not reasonably adjacent or linked to the Township's commercial or service corridor.
2. It remains a viable piece of property that could be developed under the existing R-1 zoning designation.
3. The requested R-3 zoning designation would allow other land uses that would not fit in with the character of the surrounding area.

The Motion was Seconded by Estelle DeVooght. Aye 5, Nay 0. Motion approved. This recommendation will now go to the County Planning Commission.

B. Conditional Use #66 – William Kimmes – Home Occupation/Parking of Commercial Vehicles

Mr. Kimmes addressed the Commission regarding his application for home occupation and parking of commercial vehicles. He advised he owns three lots of property and provided photographs to the Commission of his property, where his trucks are parked and his home. Mr. Kimmes purchased his home in 1976 or 1977. The home was built in 1980. He stated he keeps all of his business activity to the center of his lots to ensure privacy for surrounding homeowners.

Mr. Kimmes explained in detail the devices he has installed into his business vehicles and the precautions taken when approaching and leaving his property, again in respect to his neighbors.

During the winter months, the removal of snow is piled in an effort to hide his business vehicles from view.

Mr. Kimmes stated that he had received correspondence from the Zoning Administrator requesting he submit his application. He has done so now and asked if the Commission had any questions of him.

Mr. Sanders asked that Mr. Kimmes describe what his business is.

Mr. Kimmes owns Snap-On-Tools. He went on to explain that his business trucks go from business to business selling tools. All his inventory is kept on his trucks. The only activity in and out of his home/occupational use would be an occasional UPS truck. He does his ordering from home with the use of a computer and uses a laptop when on the road. He has no ads in the local newspapers advertising his product. He has no billboard signs advertising his products. Mr. Kimmes pointed out that he does not conduct retail sales through his home.

Mr. Sanders then asked the Commission if they had any questions.

Mr. LaPointe asked Mr. Riley if a notice had been sent regarding Mr. Kimmes' application for which Mr. Riley replied an ad had been run in the Mining Journal newspaper. 31 property owners within 300 feet were notified in the surrounding area of Mr. Kimmes regarding his application and there was no response to this notification, either in writing or verbal received by the Commission.

Mr. LaPointe stated that Mr. Kimmes' neighbors must not find him a nuisance then.

Mr. Sanders then read the general standards with regard to what "home occupation" means and what "conditional use" is. The issue of whether conducting business from Mr. Kimmes three lots would be contrary to the public's health and welfare for which it was stated no as he has three lots to use as a buffer zone.

Mr. Sanders again offered to the Commission if there were any concerns. Mr. Tabor supported the application stating perhaps a review of the application should be conducted in five years and that Mr. Kimmes would have to keep his business size as is, i.e.: number of trucks, size of trucks. Mr. Sanders stated you can not change the rules in five years. Mr. Kimmes would have to re-apply to the Commission to upgrade/change the size of his business with respect to the number of vehicles and their size.

Again, the issue of the property and its character and buffer zone was addressed. The photographs provided earlier show that Mr. Kimmes' business trucks are largely blocked from view. Looking at the photographs, Mr. Kinnunen voiced concern over the size of trucks in and out of residential sites and what certain items represented in the pictures. Mr. Kimmes indicated personal buildings (storage), snowmobile trailer(s), etc.

Mr. Kimmes advised the Commission that his two employees live on the property.

Mr. Kinnunen stated his concerns that the Commission be consistent with the ordinance so in the future others will not have the "okay for him but not for me" argument.

Mr. Sanders states that the home occupation ordinance states it is okay to conduct business from your homes, however, each conditional use issue is different, as in this case, the number and size of business trucks being used. He stated that each home occupation application/permit will be individually reviewed. In Mr. Kimmes' case, there was a question as to his trucks being contrary to the public's health and welfare and that is why he was required to submit an application.

Ken Tabor then moved that after review of Conditional Use request #66, the standards of Section 107 (A) and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #66 with the following conditions:

1. That a total of three (3) trucks (of larger than personal vehicle size) may be kept on the site with a not to exceed the size of three trucks he now operates, which are: 1) Van 16,000 GVW 24'; 2) Van 26,000 GVW 30'; and 3) Van 32,000 GVW 36'.

2. That the applicant shall not have any employees that do not reside on the premises.

Mike LaPointe Seconded. Aye 5, Nay 0. Motion approved.

C. Preliminary Site Plan Review – Schaub – Apartment Project on Terrace Street

Bill Sanders said this issue is for discussion only during this evenings meeting.

Mr. Riley indicated with the use of the overhead the location of the proposed apartment project and a “draft” site plan.

Issues addressed during this preliminary review were as follows:

1. That an alley shown on map/plat/paper is only on paper and does not exist of which the process to abandon; currently being worked on.
2. All property owners abutting the proposed alley have “signed off” on its abandonment.
3. There are several issues to be finalized and that the site plan is only a draft.
4. Concerns were raised regarding the proximity of the units to the east property line, removal of snow during the winter months, spring water runoff, landscaping issues, lay-out of each unit and sewer leads, i.e.: what direction will they come from?

Mr. Kinnunen asked if there was a projected date for the buildings. Mr. Schaub stated perhaps next year (2004) the first unit will be built with another to follow.

Mr. Sanders asked if the Fire Department has review it yet? Mr. Riley replied a formal review has not been made yet but is being worked on.

Mr. Schaub stated that he would make any adjustments necessary to coincide with the Fire Department’s recommendations.

D. Discuss – Habitat for Humanity-Request for potential home sites

Mr. Riley stated that he had been approached about adding the request for potential home sites for Habitat for Humanity to the agenda for the Commission to consider and to bring the issue to the residents advising them that lots are sought in Chocolay Township.

IX. PLANNING DIRECTOR’S REPORT

Doug Riley discussed the following items:

- 1) Special Election for Supervisor – October 7, 2003
- 2) Michigan Society of Planning Meeting
- 3) Update on Corridor Plan
- 4) Community Center closure

X. PUBLIC COMMENT

Dick Arnold addressed the Board and asked of the status of the junk vehicle ordinance.

Mr. Riley replied that the survey was completed and information obtained and the police department was going to review and check with other departments regarding potential changes to the ordinance. There has been no time frame set for an answer, however, Mr. Riley did tell Mr. Arnold he would let Chief Zybert know that this topic was raised at this meeting.

No further public comments.

XI. COMMISSIONER COMMENT None

XII. ADJOURNMENT Chair Bill Sanders adjourned the meeting at 9:03 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

**Charter Township of Chocoday Planning Commission
Monday, October 13, 2003**

Present: Bill Sanders, Estelle DeVooght, Mike LaPointe, Steve Kinnunen, Tom Shaw, Scott Emerson and Ken Tabor
Absent: None.
Staff: Doug Riley, Director of Planning and Research and Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS CALLED TO ORDER

Chair Sanders opened the Public Hearings at 7:30 p.m.

A. Rezoning #127 – O’Dovero – R-1(Residential) to C-2 (Commercial)

Christine Croschere from O’Dovero Properties introduced herself.

Dan DiLoreto (301 W. Main Street) requested time later in the meeting to address this issue.

B. Conditional Use #67 – Nivison – Home Occupation – No comments

C. Conditional Use #68 – Hirvonen – Dune Overlay District Application
No comments

Public hearings closed.

II. MEETING CALLED TO ORDER/ROLL CALL

III. APPROVAL OF THE MINUTES OF THE SEPTEMBER 8, 2003 MEETING

Steve Kinnunen said the Minutes should read Steve Kinnunen Moved (not Bill Sanders) and Estelle DeVooght Seconded with respect to Rezoning #126 – Ward.

Steve Kinnunen moved to approve a motion to correct the August 11, 2002 minutes as indicated, Ken Tabor Seconded. Aye 7, Nay 0. Motion approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Bill Sanders Moved, DeVooght Second, that the agenda be approved as presented. Aye 7, Nay 0. Motion approved.

V. PUBLIC COMMENT – no comments.

VI. OLD BUSINESS – no comments.

VII. NEW BUSINESS

A. Rezoning #127 – O’Dovero – R-1 (Residential) to C-2 (Commercial)

Mr. Riley noted that he had received correspondence late and that a copy of the letter was provided to the Commission. Mr. Riley then read a letter from Cindy Barbieri (341 W. Main) that she opposes the rezoning request and provided the opposition in writing as she could not attend this meeting.

Christine Croschere of O’Dovero Properties again introduced herself and provided a short history on the property in question. It was purchased from Mr. Menze and that the intent of O’Dovero Properties is to hold onto the property. They do not intend to sell the property immediately.

Steve Kinnunen asked that the bayou buffer areas be identified.

Estelle DeVooght asked how close are the nearest residents to the property in question?

Discussion ensued on the following issues:

- Verified the property is currently vacant.
- Specifics were discussed regarding the possibility of a driveway for the property, could one be built?
- GIS survey shows that there would be problems with traffic near this intersection.
- That access to the highway from a driveway at that location would be a concern.

Bill Sanders asked about the waterfront set back. Is this property exempt? A 30-foot set back must be preserved.

Estelle DeVooght asked about flooding of the property in the spring.

Bill Sanders noted the bayou is currently buffered by R-1 strip for the neighbors of this property and that if the property were rezoned to commercial, there is still a required 30 foot buffer strip from the edge of the water.

Discussion ensued regarding someone being able to place a home on the residentially zoned portion of the property.

Doug Riley advised of the specifics regarding road frontage and private driveways.

Bill Sanders stated that the Commission cannot deny the application due to the possibility of future development.

Steve Kinnunen stated there should be a site plan review.

Further discussion on the property ensued regarding the following issues:

- Safety aspect – ingress and egress to the property
- There will be interest in this property and development in the future

Scott Emerson asked if this parcel could be made a PUD parcel of which Doug Riley replied it would require variances.

Dan DiLoreto (301 W. Main) then advised the Commission that he had issues with two items on the Rezoning Application provided by O'Dovero Properties.

#9. Are there any negative impacts which will result from the proposed rezoning? Mr. DiLoreto stated there would be as this would create a spot zone. He has lived at his current address since 1985 and feels the wildlife can tolerate neighbors due to the buffer zone. If the property is rezoned, this would expose the river to commercial use and disrupt the wildlife setting.

#7. Are there any alternatives to the rezoning request to accomplish any specific proposal you may have? Mr. DiLoreto states, in his opinion, that there are two options. One would be rezone and grant the application or allow the property to remain residential and grant a variance to allow commercial building away

from the Bayou. The R-1 piece is not a property that could be built on. Mr. DiLoreto advised that he has spoken with Mr. O'Dovero and that Mr. O'Dovero stated he wanted a variance on his property to enhance its "sale ability."

David Thomas (311 W. Main). He and his wife oppose the application. They have two lots and concur with Mr. DiLoreto's objections.

Mike LaPointe asked what type of commercial activities could be developed on this property if it were rezoned. He noted reference had been made to a boat rental, sales and/or service.

Doug Riley then advised the Commission on what permitted uses would be as stated in the zoning ordinance.

Discussion was held regarding rezoning the property with the following topics addressed:

- How much building area would be gained by rezoning?
- If a variance was granted, could it be an open ended variance?
- What could you build specifically?
- Variance limits were questions as to exactly how much building area would be gained
- Would it be possible to build a home if a variance were obtained and a driveway installed?
- What will the restrictions be if this is rezoned commercial?

Steve Kinnunen again stated that the application did not include a development plan and that with the negative response from the residents, he believes the parcel should be left "as is."

Steve Kinnunen remarked that the property has some existing commercial zoning and could be built on now. We do not have a site plan in front of us. There should be a more comprehensive plan. The bayou is zoned to be kept in its natural state. There should be special attention paid to environmental areas.

Scott Emerson remarked that this needs a comprehensive plan regarding a buffer zone. If this area were rezoned, it puts a wedge between residentially zoned areas with a waterfront. He agrees with Steve Kinnunen that this needs a more specific plan and that just rezoning and not knowing a plan is not good.

Christine from O'Dovero Properties stated that she talked with Randy Yelle and that Mr. Yelle advised her that she should file for this rezoning. She reiterated that their plan was not to go commercial. Yes we would like to sell the land at a later date, however, our business interests are primarily in Negaunee Township.

Bill Sanders and Steve Kinnunen debated the issue of rezoning and the potential to build if rezoned or not rezoned.

Bill Sanders stated that the bayou needs to be researched as to what it was initially zoned. Steve Kinnunen stated he believed this was all R-1 and Estelle DeVoght agreed that she believed it was all R-1.

Steve Kinnunen Moved, Tom Shaw Second, that following the review of Rezoning request #127, the Planning Commission recommends denial of Rezoning #127 to the Township Board to rezone said property from R-1 to C-2 for the following reasons:

1. The parcel is buildable without rezoning.

2. The comprehensive plan includes goals to protect the waterways as areas of particular concern.
3. The existing R-1 zoning maintains a buffer between commercial and residential.

Aye 5, Nay 2 (Sanders and Tabor). Motion approved.

B. Conditional Use #67 – Nivison – Home Occupation

Russell and Amy Nivison of 250 Foster Creek Road requested conditional use approval for a home occupation under the terms of the zoning ordinance to have one non-resident employee and to post a sign 6 square feet larger than is allowed.

Doug Riley laid out the site plan and described the property in question. He stated that the Nivisons' home is located in a rural area. He pointed out that there are two driveways to the Nivisons' home; one from Foster Creek and the other from U.S. 41. The Nivisons' propose to erect this sign on U.S. 41. Mr. Riley did not receive any verbal or written opposition to the Nivisons' request.

Russell Nivison advised the Commission what his business is (heating and cooling business). He has difficulty receiving deliveries via semi truck as they can not access Foster Creek Road. Having a sign on US 41 would have directional value for his business, however, he does not receive much business at his home as he works at other homes and/or businesses.

Discussion was had regarding semi truck deliveries and service drives which do not belong in a neighborhood. Tom Shaw volunteered that with the road restrictions as they are, Mr. Nivison has limited time during a year for semi truck deliveries. Mr. Nivison pointed out the safety aspect of having his deliveries routed as he is requesting to avoid children and potential harm in a neighborhood.

Steve Kinnunen asked if the driveway on U.S. 41 was recognized by the Michigan Department of Transportation of which Mr. Nivison replied yes.

Mr. Nivison stated he would post a professional sign; the same being purchased through Signs Unlimited.

Mr. Nivison was asked if he planned on utilizing lighting for his requested sign. He assured the Planning Commission he was not.

The Commission discussed exactly what size the sign requirements are now and the size of the sign that Mr. Nivison is proposing.

Bill Sanders asked what is the area zoned? Doug Riley replied RR-2.

Bill Sanders remarked that the Nivisons' property is five (5) acres and the home occupation intent is not for the property to look commercial in nature.

Mr. Nivison stated that there is 500 feet between he and his next neighbor. He has a buffered tree zone (an individual would not be able to see the sign through the tree line) and that his neighbors consist of his in-laws and family.

Mike LaPointe stated he had no problem with the non-resident employee request but needed clarification of the size of the proposed sign.

Again, Mr. Nivison assured the Commission the sign was intended primarily for deliveries, not as advertising.

Ken Tabor asked what is the size of the sign on your truck? Mr. Nivison replied 2 x 4 feet.

Mr. Nivison stated he would place the sign near his driveway but couldn't respond exactly where until he checked on the required footage necessary from the road.

The Commission discussed in detail the size of the sign and supported a compromise as to the size of the sign going with no larger than 6 square feet.

Tom Shaw Moved, Ken Tabor Second that after review of Conditional Use request #67, the standards of Section 107 (A) and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #67 with the following conditions:

1. That a sign is to be placed on the side of Mr. Nivison's U.S. Highway 41 property and is not to exceed the size of 6 square feet.
2. The applicant is allowed to have one non-resident employee.

The reasons for allowing the size of the sign and its placement on U.S. 41 are as follows and were reiterated for clarification in the event another resident would want to place a sign on their property:

- Safety of neighborhood children with respect to home deliveries
- The Nivisons' own five (5) acres of property
- They are 500 feet from the nearest resident
- There is a buffered tree line

Aye 5, Nay 2 (Sanders and DeVooght). Motion approved.

C. Conditional Use #68 – Hirvonen – Dune overlay District Application.

Mel and Claire Hirvonen have requested conditional use approval (Dune Overlay District Application) in order to construct a new home on a parcel they own.

Doug Riley addressed the issue that the Hirvonens are looking for a decent place to build a house on their parcel. Mr. Riley showed the site plan and stated that the plan meets all the requirements and the side yard set backs are adhered to. Mr. Riley stated he received no objections from residents to this application.

Bill Sanders asked to be shown on the site plan the dune versus erosion hazard line. Mr. Riley explained the slope area and indicated the dune area.

Bill Sanders asked if there would be bulldozing done of which the response was no, only a hole for the foundation was to be dug (response by Kim Young).

Kim Young then addressed the Commission stating the property has been in their family since 1927 and they want to keep the dunes stable.

Steve Kinnunen stated that a root system was needed for stabilization for which Kim Young responded they understood this.

Mike LaPointe Moved, Scott Emerson Second that after review of Conditional Use request #68; the standards of Section 218 and 701, and subsequently finding compliance with the standards for approval of the request, the Planning Commission approves Conditional Use request #68 with the following conditions:

1. That the disturbed areas of the foredune be rehabilitated with dune grass plantings at a rate of 1 culm (clump) per square foot of disturbed area following completion of the home construction.
2. That the applicant obtain a zoning compliance permit from the Township Zoning Administrator.

Aye 7, Nay 0. Motion approved.

D. City of Marquette – Notification for comments on the Whetstone Brook and Orianna Creek Watershed Management Plan and the McClellan Avenue South area Land Use Plan

Doug Riley briefed the Commission that the State of Michigan had passed planning amendments, which requires any master plan amendments be sent to adjoining municipalities for comment and/or review. Any comments by the Township are non-binding.

Discussion was had with Doug Riley and the Commissioners as to whether there was anything disturbing in the proposed changes of which he replied no, he liked option #3 of what was proposed and that it follows a development plan yet relates to environmental issues.

Bill Sanders suggested that the Commission put together a letter addressing issues for the Township. Doug Riley believed they had forty (40) days from the date of receipt of the amendments to the City Master Plan.

E. Update to Comprehensive Plan

The memorandum dated 10/09/03 by Greg Seppanen, Supervisor addressed the issue of the need and support to update the Township's Comprehensive Plan.

Doug Riley pointed out that under the new State Planning Act, the plan is to be updated every five (5) years. He discussed hiring an outside consultant to assist us with this and that the Township had earmarked some funds for this. Additional support would be necessary from the Board. It was suggested that the Township address the Board next Monday (10/20/03) to obtain preliminary approval to obtain proposals from consultants.

Ken Tabor asked where the cost would come into play requiring additional funding.

Doug Riley stated man hours, map work/graphics, demographics and meetings.

Scott Emerson remarked that it has been thirteen (13) years since the plan was updated.

Doug Riley volunteered to do most of the "grunt work" in an effort to keep the consultants fees down.

Steve Kinnunen asked where do we obtain a consultant for which Doug Riley responded with advertising.

Discussion was had regarding interviewing prospective consultants before the Commission to obtain a qualified consultant, not just accept a consultant for their

“low bid” and that it would be important to hire the right person. Doug Riley would prepare a draft Request for Proposals (RFP).

Mike LaPointe Moved, Scott Emerson Second that the Planning Commission proceed to the Township Board to look for preliminary approval and funding to hire a consultant for the update to the Township's Comprehensive Plan.

Aye 7, Nay 0. Motion approved.

VIII. PLANNING DIRECTOR’S REPORT

Rezoning #126 – Ward application was reviewed by the County Planning Commission and they also recommended denial of the application. It will be brought before the Board on 10/20/03.

Attendance at the Ivan Fende dinner discussed.

Court of Appeals reviewing the snowmobile trail issue was discussed in detail. End of discussion was Doug Riley’s response that neither side had a feeling which way the ruling would go.

IX. PUBLIC COMMENT – None

X. COMMISSIONER COMMENT

Estelle DeVooght voiced a concern as to why Christine from O’Dovero Properties said Mr. Yelle told her to come to this meeting.

XI. INFORMATIONAL ITEMS AND CORRESPONDENCE

A. Minutes – Township Board – September 15, 2003

B. Minutes – Zoning Board of Appeals – September 25, 2003

XII. ADJOURNMENT Chair Bill Sanders adjourned the meeting at 9:29 p.m.

Estelle DeVooght, Commission Secretary

Lori DeShambo, Recording Secretary

Charter Township of Chocolay Planning Commission

Monday, December 8, 2003

7:30 P.M.

Present: Bill Sanders, Estelle DeVooght, Steve Kinnunen, Tom Shaw, Scott Emerson and Ken Tabor.

Absent: Mike LaPointe

Staff: Doug Riley, Director of Planning and Research, Lee Snooks, Director of Recreation and Grants Administration, Lori DeShambo, Recording Secretary.

I. PUBLIC HEARINGS – None.

II. MEETING CALLED TO ORDER/ROLL CALL

III. APPROVAL OF THE MINUTES OF OCTOBER 13, 2003 MEETING

An addition/correction was made to the October 13, 2003 minutes by adding a paragraph to VII New Business, B. Conditional Use #67 Nivison Home Occupation (page 4) that Mr. Nivison was asked if he planned on utilizing lighting for his requested sign and that he assured the Planning Commission he was not.

Steve Kinnunen moved to approve the minutes with above referenced addition/correction, Estelle DeVooght Seconded. Motion Approved.

IV. APPROVAL OF AGENDA/ADDITIONAL ITEMS FOR AGENDA

Ken Tabor Moved, Steve Kinnunen Second, that the agenda be approved as presented. Motion approved.

V. PUBLIC COMMENT

Dick Arnold of 312 County Road 545, Marquette, MI asked the Planning Commission as to the status of the junk ordinance revision(s). Doug Riley advised that the Police Department was researching other Ordinances that could be used as a model. Chief Zyburt was in attendance at the meeting and advised that the research, unfortunately, had been put on the back burner due to the recall and election with the Township Board. Mr. Sanders asked if this project could be moved along and can Mr. Arnold be given a time frame in which to anticipate a response

Stan Hubert of 5029 S. U.S. 41, Marquette, MI addressed the Planning Commission stating that some of the Harvey businesses were willing to contribute funds for the required grant match available through the Department of Natural Resources (hereinafter referred to as DNR) for snowmobile enforcement as the business owners are aware that Chocolay Township does not have the funds to match the available grants. Mr. Sanders advised Mr. Hubert that this issue would be addressed later in the meeting.

VI. OLD BUSINESS – None.

Closed – no comments.

VII. NEW BUSINESS

A. Discuss – Snowmobile Trail Opening – Discussion of mitigating measures with the Michigan Department of Natural Resources

Mr. Sanders asked the DNR people in attendance at the meeting to introduce themselves and give a general outline as to what they wished to discuss during this meeting and that discussion could be held between the DNR and the Commission following their presentation.

Michael L. Paluda, U.P. Field Coordinator, Forest, Mineral & Fire Management was the spokesperson for the group. Other DNR staff in attendance at this meeting were introduced as Terry Popour, Debbie Begalle, Bill Brondyke and Ron Yesney.

Mr. Paluda explained that the DNR in the State of Michigan is comprised of seven (7) unit organizations and that the unit located in Gwinn, MI will be responsible for the snowmobile trail in Chocolay Township. Terry Popour is in charge of day to day operations and can be contacted at the Gwinn office. Debbie Begalle is the Western U.P. Supervisor. Ron Yesney is the individual within the Gwinn unit that is the recreational specialist who does the planning, public relations, parks, etc. He is one of the primary contacts for Chocolay Township regarding the snowmobile trail and is the point person.

Mr. Paluda explained to the Commission that funds for the snowmobile trail are generated by a user's fee and a portion of gas tax funds. These funds are protected and the State of Michigan does not have access to the money. He advised that there is money available in the form of grants for enforcement by the police department and for trail construction and development.

Mr. Paluda asked that the Planning Commission assist the DNR in what direction it should take regarding mitigating sound from the trail in a residential area and steps to take to keep Chocolay Township residents safe and happy.

He stated that Hiawatha Trails does the trail grooming through grants and that the DNR are very happy with the services of Don Britton.

Mr. Paluda advised that a discussion was had with Gary Walker, Prosecuting Attorney for Marquette County and that this year, with having a trail in Chocolay Township, snowmobiles will have to abide by the law and travel in the direction of traffic along the highway. Although the rules were different last year, now that there is a trail, he feels he has to vacate his old decision and revert to the law. The Michigan Department of Transportation (hereinafter referred to as MDOT) was not happy with snowmobiles using the bike path as a trail in Chocolay Township.

Debbie Begalle spoke next advising the Commissioners that the DNR has two trail counters to place on the snowmobile trail with their purpose being to collect data, i.e.: speed of sleds, time of day when speed a factor, time of the day when sleds are used, etc. The DNR has selected a site for one of the counters, however, they are looking for an advantageous spot for the other. She advised the Commissioners that the DNR will be gathering complaints and accident information to compile a report. This information will be collected on a weekly basis with the final report being compiled at the end of the season. This will help to assess what is working on the trail and what is not.

Don Britton of 121 Deerview Trail, Marquette, MI advised that they will be logging any complaints through the police department, information the groomers will gather and look for trouble spots on the trail.

Signs have been posted through each segment of the trail which have been paid for by the Convention and Visitors Bureau which advise the snowmobilers to move slowly, respect the residential area they are traveling through and watch for children. These signs are found on each end of the trail.

Ron Yesney will do a weekly trail inspection.

Bill Sanders asked if the Chocolay Township Snowmobile Trail Information Sheet dated December 1, 2003 which is a one page – two sided document- listing five telephone numbers was provided to property owners affected by the trail.

Scott Emerson pointed out that there should be one number that can be called for complaints and that accidents should be reported through the 911 telephone number.

Doug Riley asked if a standard form could be utilized by all agencies so that the information compiled is uniform.

Police Chief Zyburt advised that the police department for the City of Marquette has received a grant for funds regarding policing the snowmobilers and that the Chocolay

Township police department and the City of Marquette police department would be working together to keep an eye on safety issues. Mr. Zyburt explained his intention on policing a particular area in Chocolay Township that he believes will be misused, i.e. speed and noise and, hopefully, this will curb further abuse. He states for enforcement purposes, he must have a restricted area to monitor.

Lee Snooks, Director of Recreation and Grants Administration stated that 100 hours total have been mandated and that the DNR has picked up the tab for 87 hours.

Discussion ensued regarding the fact that grants are available through the DNR and that funds must be made available to match the DNR grants. This funding would go toward purchasing another snowmobile for the police department to use and for man hours.

Steve Kinnunen questioned how long it would take to get this funding and have more police man power.

Steve Kinnunen asked that an expedited order be initiated to have Greg Zyburt able to put in extra man hours to police the snowmobile season. He also noted that there is wildlife in the bayou area of Chocolay Township and that the DNR needs to be aware of this and address this issue. Extra care is needed in that area.

Mike Paluda stated that the issue of wildlife and snowmobilers has been a controversial subject for years for the DNR. Their experience has been that animals are not bothered by snowmobilers unless the animals are chased.

Doug Riley raised the issue of funds collected by Chocolay Township businesses to match the DNR grants being authorized legally. The auditors stated yes, the businesses in the area can donate money to the Township to match the grants.

Mike Paluda pointed out that the Township will have to ask for the grants from the DNR.

Greg Zyburt advised that the grant does not pay for training of police officers to attend a week's long class on policing a snowmobile trail. The fee is \$500.00 and his budget will not allow for said training fee(s).

Debbie Begalle asked if this training was specifically for trails and enforcement of which Mr. Zyburt stated it was. Mr. Paluda stated he would check into this matter with the DNR to see if anything could be done.

Tom Shaw asked Mike Paluda specifics regarding his conversation with Gary Walker and the use/non-use of the bike path. Discussion ensued regarding right of way issues, crossing the highway in downtown Harvey to gain access to restaurants, bars and gas stations.

Steve Kinnunen again asked how quickly funds could be made available to apply to the police force.

Mike Paluda states that once Chocolay Township has its matched funds, the DNR will expedite the request.

Ron Yesney stated he hoped it could be within one week.

Doug Riley asked if the contributing business owners would have signs on the trails to direct snowmobilers to their establishments.

Ron Yesney stated no they could not as the trail is state regulated property. He will, as the Recreational Manager, erect generic signs that state food, lodging and gas but not list a specific entity.

Terry Popour stated that at map stops along the trail, there will be arrows directing the flow of traffic and will lay out access to businesses in Chocolay Township. He suggested an enlargement of the township map to keep the snowmobilers out of what could be problem areas.

Scott Emerson addressed the fact that there are going to be complaints not only from the official trail but from the community as well. The thrust of the conflict within this community has been that the trail is populated with families. He stated if snowmobilers start driving their sleds through Harvey as directed by map stops and signs, there will be problems. He also pointed out that funding should be obtained for an air quality study. He pointed out that carbon monoxide from snowmobiles can be deadly. Data needs to be collected and studied on this subject.

He also pointed out to the DNR that they have been granted a privilege and with authority comes responsibility. They may need to reset their "standards" as a rural trail area has many different issues than a residential area.

Mike Paluda pointed out that the DNR has 6,100 miles of trail and that communities such as Traverse City and Cadillac have not reported problems. Steve Kinnunen pointed out that the two referenced cities do not have major businesses in the thorough fare as Chocolay Township does.

Mike Paluda stated that Chocolay Township will have to decide where traffic enters the Township business corridor and the DNR will follow their directions.

The issue was brought up regarding building a bridge over the Chocolay River. Also addressed was utilizing the trail during the summer months as a bike path and hiking path.

John Smith of 2176 M-28 East, Marquette, MI suggested creating another ad hoc trails committee to look into these questions with the MDOT and DNR coming up with ideas and solutions.

Mike Paluda stated that crossing the Chocolay River to get traffic across it would not fit into the snowmobile trail program. If the plan was for a multi-purpose trail, this might be a possibility under a trust fund grant.

Doug Riley asked the DNR if there is a time frame to follow for funding assistance for next year to utilize the data gathered this year i.e.: how many snowmobilers used the trail, how many were off the trail, etc.

Debbie Begalle stated the application deadline is April 1, 2004.

The issue of the second counter was raised again. Terry Popour stated that the counters are laser and would not work on a public road due to snow, sanders and plows.

Stan Hubert who resides at 104 Ridgewood volunteered his property to place the second counter. His property is located 60 feet off the trail.

Terry Popour pointed out that this year will be a learning experience for the DNR.

Bill Sanders questioned the DNR regarding the construction of the trail. Is there a design in place? Are there ways of designing the trail to cut down on snowmobile speed and the noise generated?

Mike Paluda stated the DNR is in the business of maintaining trails, not designing them. He was not sure that they had the expertise to do design work. He stated the DNR is willing to plant trees, etc. to help reduce the noise level. Again, he stated the DNR is looking to the Township for proposals and direction.

Ron Yesney suggested that the grant sponsor (Hiawatha Snowmobile Club) could work with an architect to build the trail.

Scott Emerson suggested that if the people of the community were asked to become involved in the designing of the trail, perhaps this would soothe ruffled feathers.

Ron Yesney also suggested utilizing college students to become involved in a community project such as designing a snowmobile trail.

Steve Kinnunen asked Don Britton about the size of the trail. Mr. Britton replied that the trail will be solid groomed by 12 feet except for bridges. The sign/map areas are groomed to 20 feet to allow snowmobiles to stop safely. There are posted signs prior to these areas that state "slow down."

The subject of encroachments was brought up and Debbie Begalle stated there are a few encroachments to address. The DNR will alert the homeowners that the DNR owns the grade and they must remove anything in the way.

Scott Emerson questioned what the season deadline is for the use of the trail.

Terry Popour stated the grooming will stop on March 31, 2004.

Scott Emerson requested that the DNR close the trail to the residential area on March 31, 2004. Ron Yesney replied that historically, if the area receives a snowfall at the end of March, they will extend the season by two more weeks. Mike Paluda stated that if the Township wants this deadline to the residential area considered, it should be put in writing to the DNR.

Bill Sanders asked Mike Paluda if he would return to address questions and discuss the trail at another Planning Commission meeting. He responded that contact should be made with Debbie Begalle in the Gwinn office.

Doug Riley advised that a joint Board/Planning Commission meeting would be held on Monday, December 15, 2003 to review the issues raised in the Planning Commission meeting.

B. Discuss – Update to Comprehensive Plan – Review of Draft RFP

The draft of the RFP was reviewed by the Planning Commission and questions/comments were directed to Doug Riley. Doug Riley suggested to the Planning Commission that a score sheet be drafted to utilize when interviewing consultants.

Ken Tabor asked Doug at what point do you think the Township would receive proposals and Doug thought February of 2004 as long as the Board gives its approval to seek proposals.

The Commission agreed that the draft flowed well and that it was approved to present to the Board at the joint meeting.

VIII. PLANNING DIRECTOR'S REPORT

Joint Township Board/Planning Commission Meeting - December 15

IX. PUBLIC COMMENT – None.

X. COMMISSIONER COMMENT

- Estelle DeVooght stated she was not happy with the snowmobile trail plans.
- Steve Kinnunen reiterated the need to have adequate policing of the snowmobile trail.
- Scott Emerson believes the DEQ should be involved in this issue as it related to air quality control.
- Scott Emerson stated there needs to be one telephone number to lodge a complaint regarding snowmobiles and use the 911 telephone number for accidents/emergencies.
- It was noted that Terry Popoure's telephone number was not reflected on the informational sheet provided by the DNR to homeowners.
- Estelle DeVooght asked if the trail issue would still be presented to the Court of Appeals?
- Doug Riley responded that the first step is to ask for a rehearing by the Court of Appeals, which is most likely going to be denied, however, this possibly sets up the Supreme Court to review the case.

XI. INFORMATION ITEMS AND CORRESPONDENCE

- A. Minutes – Township Board – October 20 and November 20, 2003
- B. Minutes – Zoning Board of Appeals – October 23, 2003
- C. Correspondence – Maki to Board/PC et al. – ZBA Hearing on Waselesky

XII. ADJOURNMENT. Bill Sanders adjourned the meeting at 9:55 p.m.

Estelle DeVoght, Commission Secretary

Lori DeShambo, Recording Secretary